

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Benoit Marchal et al.
Title: Gastroelectric Stimulation for Influencing Pancreatic Secretions

CONTINUING APPLICATION TRANSMITTAL LETTER

Mail Stop: Patent Application
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

This is a request for filing a:

☐ Continuation ☒ Divisional

application under 37 CFR 1.53(b), of pending prior Application No. 09/537,070, filed March 28, 2000, for Gastroelectric Stimulation for Influencing Pancreatic Secretions, by inventor(s) Benoit Marchal and Warren Starkebaum. Prior Application Information: Examiner M. Bockelman, Group Art Unit: 3762. The entire disclosure of the prior application is considered as being part of the disclosure of the accompanying application and is incorporated herein by reference.

- ☒ Amend the Specification by inserting before the first line the sentence: This application is a ☐ continuation ☒ divisional of prior Application No. 09/537,070, filed March 28, 2000, which claims priority to provisional application Serial No.: 60/168,966, filed December 3, 1999 which applications herein are incorporated by reference in its entirety.
- ☐ Enter the unentered amendment previously filed on _____.
- ☐ Cancel in this application original claims _____ of the prior application before calculating the filing fee. (At least one of the original independent claims must be retained for filing purposes).

FEE CALCULATION	No. Claims Filed	No. Claims Included in Base Fee	No. Extra Claims	Rate	Fee
Total Claims	24	- 20 =	4	x \$18.00	\$72.00
Independent Claims	2	- 3 =		x \$86.00	\$
Multiple Dependent Claims				+ \$290.00	\$
Basic Filing Fee					\$ 770.00
TOTAL					842.00

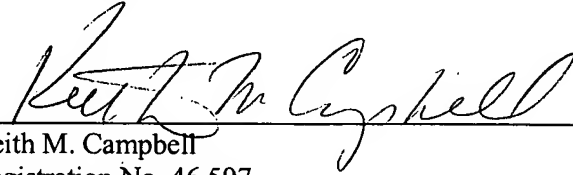
Enclosed for filing in the above-identified application are the following:

- ☒ Application Data Sheet (37 CFR 1.76)
- ☒ Patent Application
 - ☒ Copy of prior specification (Specification (14 pg.), Claims (10 pg.) and Abstract (1 pg.))
 - ☐ Substitute specification including no new matter (Specification (pg.), Claims (pg.) and Abstract (1 pg.))
- ☒ Drawings (10 pg., containing Figs. 1-9b): ☒ Formal ☐ Informal
- ☒ Combined Declaration and Power of Attorney
 - ☐ Newly Executed
 - ☒ Copy From Prior Application (37 CFR 1.63(d))
 - ☐ **Deletion of Inventor(s)** – signed statement attached deleting inventor(s) named in the prior application (37 CFR 1.63(d)(2) and 1.33(b))
 - ☐ Incorporation by Reference – *The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied above is considered as being part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference.*
- ☒ Preliminary Amendment
- ☒ Assignment
 - ☐ Assignment of the invention to _____, Cover Sheet and Recordal Fee
 - ☐ Statement Under 37 CFR 3.73(b)
 - ☒ The prior application is assigned of record to: Medtronic, Inc. and recorded at Reel 010688, Frame 0937
- ☒ Information Disclosure Statement
 - ☒ PTO-1449
 - ☐ Copies of IDS citations
- ☐ Petition for Extension of Time
 - ☐ Conditional Petition for Extension of Time in the prior application
- ☐ Nonpublication Request Under 35 USC 122(b)(2)(B)(i).
- ☒ Return Receipt Postcard

- ☒ Address all future correspondence to: Keith M. Campbell
Registration No. 46,597
MEDTRONIC, INC.
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Minneapolis, MN 55432-5604
Telephone: 763-505-0405
Facsimile: 763-505-0411
Customer No.: 27581

- ☒ The Commissioner is hereby authorized to charge Deposit Account No. 13-2546 in the amount of \$842.00 for the application filing fee, \$_____ for the assignment recordal fee and \$_____ for the petition fee for a **total of \$842.00**. A duplicate of this Transmittal Letter is enclosed.
- ☒ The Commissioner is hereby authorized to charge any deficiencies which may be required under 37 CFR 1.16 and 1.17, or to credit any overpayments to Deposit Account No. 13-2546. A duplicate of this Transmittal Letter is enclosed.

Respectfully submitted,



Date: December 31, 2003

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